



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
Susan Grimsley, Assistant County Attorney

From: Joseph Haberman, AICP, Principal Planner

Date: September 25, 2009

Subject: *Proposed Ordinance to the Board of County Commissioners to amend Section 102-21 of the Monroe County Code, Department of planning and to amend Section 6-55, Building Department*

Meeting: October 7, 2009 (continued from September 23, 2009)

1
2 I REQUEST
3

4 The Planning & Environmental Resources Department is proposing amendments to the text
5 of §102-21 and §6-55 of the Monroe County Code.
6

7 II RELEVANT PRIOR COUNTY ACTIONS:
8

9 The proposed text amendments were reviewed at the August 18, 2009 meeting of the
10 Development Review Committee. Several revisions to the proposed text amendments were
11 discussed and applied at that time.
12

13 III BACKGROUND INFORMATION
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15 The Board of County Commissioners (BOCC) directed staff to change the requirements for
16 the qualifications of the Planning Director.
17

18 IV REVIEW
19

20 The current text within the Land Development Code describing the job qualifications and
21 functioning of the Planning & Environmental Resources Department is outdated.
22

23 It is apparent that the current regulations for the 'department of planning' were to apply to the
24 entire division now known as the 'growth management division'. Therefore, current
25 responsibilities of the department of planning need to be updated so that they do not include the
26 responsibilities of the growth management division. Therefore, staff is recommending that
27 §102-21(a) be amended to clarify that the department of planning does not oversee or
28 otherwise include the building department and the code enforcement department. In addition,

1 there are currently no divisions formally known as capital improvements planning and land use
2 planning.

3
4 Concerning the director of planning position, the duties of personnel are prescribed by job
5 descriptions as approved by the Human Resources Department. Therefore, following BOCC
6 guidance, staff is recommending the removal of the stated qualifications from the §102-21(b).
7 This will provide the county administrator and the BOCC with more flexibility when hiring a
8 director of planning. In addition, staff modified the responsibilities of the director of planning
9 to reflect current practice.

10
11 Concerning the development review coordinator position, the position of development review
12 coordinator has been eliminated in the Planning & Environmental Resources Department. All
13 responsibilities of the position have been assumed by the Director of Planning the Principal
14 Current Planner. Therefore, staff is recommending that §102-21(c) be deleted.

15
16 Concerning the Development Review Committee, the composition of the committee should
17 vary depending on the type of application being considered. Furthermore, the responsibilities
18 of the committee should be amended to reflect current practice. Therefore, staff is
19 recommending several changes to §102-21(d) [to be renumbered §102-21(c)].

20
21 Concerning, the Building Official position, his or her qualifications are not appropriate in Land
22 Development Code as they are already addressed in the more appropriate section, §6-55,
23 Building Department. Therefore, staff is recommending that the current §102-21(e) be deleted
24 and the responsibilities of the building official described in that section be relocated to §6-
25 55(c).

26
27 Concerning the Division of capital improvements planning and Land use planning division,
28 these divisions do not formally exist and their intended responsibilities have been assumed by
29 the planning department. Therefore, staff is recommended that §102-21(f) and §102-21(g) be
30 deleted.

31
32 Concerning the Environmental resources division, this division has been merged with the
33 planning department to form what is currently known as the Planning & Environmental
34 Resources Department. Therefore, staff is recommended that §102-21(h) be deleted.

35
36 Therefore, Staff recommends the following changes (deletions are ~~stricken through~~ and
37 additions are underlined):

38
39 **Sec. 102-21. Department of planning.**

40
41 (a) Duties; composition. The department of planning shall perform the planning
42 functions for the county and shall provide technical support and guidance for
43 action on applications for development approval and shall perform such other
44 functions as may be requested by the board of county commissioners or the
45 planning commission. ~~The department of planning shall be composed of a~~
46 ~~building division, development review division, division of capital improvements~~

1 ~~planning, division of environmental resources, a division of land use planning and~~
2 ~~a division of code enforcement.~~
3

4 (b) Director of planning.

5 (1) Creation and appointment. ~~The director of planning shall be the~~
6 ~~department head of the department of planning and shall be selected by the~~
7 ~~county administrator and confirmed by the board of county~~
8 ~~commissioners.~~ There shall be a director of planning selected and
9 approved by the appropriate division director and the county
10 administrator, and the board of county commissioners if required.

11 (2) Jurisdiction, authority and duties. In addition to the jurisdiction,
12 authority and duties that may be conferred upon the director of planning
13 by other provisions of this Code, the director of planning shall have the
14 following jurisdiction, authority and duties:

- 15 a. To serve as staff to the planning commission and to inform
16 such body of all facts and information at his disposal with respect
17 to applications for development approval or any other matters
18 brought before it;
- 19 b. To assist the planning commission in the review of the plan,
20 including the capital improvements program, these regulations and
21 proposed amendments thereto;
- 22 c. To maintain the official land use district map and to make ~~an~~
23 ~~annual~~ a presentation of the map to the board of county
24 commissioners for certification when the land use map is updated;
- 25 d. To maintain development review files and other public records
26 related to the department's affairs;
- 27 e. To review, or cause to be reviewed, all applications for major
28 conditional use permits and plat approvals;
- 29 f. To review and approve, approve with conditions, or deny all
30 applications or disapprove applications for minor conditional use
31 permits;
- 32 g. To recommend amendments to the plan and this chapter;
- 33 h. To render interpretations of the plan, this chapter or the
34 boundaries of the official land use district map and future land use
35 map;
- 36 i. To evaluate and act upon claims of nonconforming uses and
37 structures;
- 38 j. To work to coordinate all local, regional, state and federal
39 environmental and other land development permitting processes
40 affecting development in the county;
- 41 k. To plan for and evaluate all transportation improvements for
42 the county, and coordinate such activities with the Florida
43 Department of Transportation;
- 44 l. To issue certificates of compliance and sign pre-application
45 conference letters of understanding in accordance with the
46 procedures set forth in the plan;

~~m. To enforce any provision of this chapter or any other provision of this Code;~~

~~n. m. To establish such rules of procedure necessary for the administration of his responsibilities under the plan; and~~

~~e. n. Whenever requested to do so by the county administrator or the board of county commissioners, with the assistance of other county departments, to conduct or cause to be conducted surveys, investigations and studies, and to prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be requested.~~

~~(3) Minimum qualifications. The director of planning shall have the following minimum academic and professional qualifications:~~

~~a. Master of urban or regional planning or public administration or comparable degree from an accredited university;~~

~~b. Ten years' experience in public administration or land planning; and~~

~~c. Five years of supervisory experience.~~

~~(c) Development review coordinator.~~

~~(1) Creation and appointment. The development review coordinator shall be a member of the department of planning and report to the county administrator through the director.~~

~~(2) Minimum qualifications. The development review coordinator shall have the following minimum academic and professional qualifications:~~

~~a. Master of urban and regional planning or public administration or comparable degree from an accredited university;~~

~~b. Three years' experience in planning or zoning, including site plan review; and~~

~~c. Minimum one year of supervisory experience.~~

~~(3) Duties. The development review coordinator shall have the following duties:~~

~~a. To act as an ombudsman to applicants for development approval by facilitating and, to the extent possible, expediting, compliance with the requirements of these regulations;~~

~~b. To serve as chair of the development review committee and to prepare for the director of planning's signature all preapplication conference letters of understanding;~~

~~c. To work with regional, state and federal permitting agencies;~~

~~d. To determine the completeness of applications for conditional use and plat approval;~~

~~e. To cause publication of notice of hearings on conditional use or plat approval applications;~~

~~f. To issue conditional use permits after approval by decision-making bodies; and~~

~~g. To deliver final plats to the county clerk for recording after approval.~~

1
2 (d) ~~(c)~~ Development review committee.

3 (1) Creation and composition. As required for the items being reviewed.
4 The the development review committee shall be composed of the director
5 of planning or his or her designee and the planner in charge of the
6 particular item being considered, and depending on the application being
7 reviewed, may also include the development review coordinator, the
8 directors representatives of the county's public works department division
9 personnel, health department personnel, engineering personnel, the
10 building official or his or her designee, the a county biologist and any
11 other county employee or official designated by the county administrator
12 or the planning director. The development review committee also may
13 should include representatives of each local, regional, state or federal
14 agency that has entered into an intergovernmental agreement with the
15 county for coordinated development review when appropriate. A
16 representative of the department of community affairs shall serve as an ex
17 officio member of the development review committee as long as the
18 county is located within an area of critical state concern.

19 (2) Duties. The development review committee shall have the following
20 duties:

21 a. To meet at least ~~twice~~ once a month to consider such business
22 as is prescribed by this article including:

23 1. ~~Meeting with any developer at a preapplication~~
24 ~~conference when requested or required pursuant to the~~
25 ~~provisions of this chapter;~~

26 2. 1. Reviewing all applications for development approval
27 as set forth in the code, and reporting its recommendations
28 to the planning commission, the board of county
29 commissioners and the planning director; and

30 3. 2. Reviewing all applications for amendments to the
31 plan.

32 b. To maintain such minutes and records as are required by state
33 law.

34 c. Any action reviewing a permit application shall not preclude
35 the applicant's right to be present when his project is discussed
36 before this body.

37 d. Comments shall be made on the items before the development
38 review committee and shall be given to the director of planning
39 and the applicant.

40 e. Comments by members not in the department of planning may
41 be in writing and delivered to the development review committee,
42 the director of planning, and communicated to the applicant.

43
44 (e) ~~Building official.~~

1 (1) ~~Creation and appointment. The building official shall be selected by~~
2 ~~the director of planning and report to the county administrator through the~~
3 ~~director.~~

4 (2) ~~Jurisdiction, authority and duties. In addition to the jurisdiction,~~
5 ~~authority and duties that may be conferred on the building official by other~~
6 ~~provisions of this Code, the building official shall have the following~~
7 ~~jurisdiction, authority and duties:~~

8 a. ~~To issue and revoke building permits in accordance with the~~
9 ~~procedures of this chapter;~~

10 b. ~~To issue and revoke certificates of occupancy in accordance~~
11 ~~with the procedures of this chapter;~~

12 c. ~~To serve on the development review committee;~~

13 d. ~~To enforce the provisions of this chapter;~~

14 e. ~~To determine the extent of damage or destruction of~~
15 ~~nonconforming uses and structures, in cooperation with the~~
16 ~~director of planning;~~

17 f. ~~To review building permit applications for repair within areas~~
18 ~~of special flood hazard to determine that the proposed repair~~
19 ~~satisfies the requirements of the floodplain management provisions~~
20 ~~of this chapter;~~

21 g. ~~To review building permit applications for new construction or~~
22 ~~substantial improvement within areas of special flood hazard to~~
23 ~~ensure that the proposed construction (including prefabricated and~~
24 ~~mobile homes) satisfies the floodplain management requirements~~
25 ~~of this chapter;~~

26 h. ~~To advise permittees that additional federal or state permits~~
27 ~~may be required, and if specific federal or state permits are known~~
28 ~~to have been issued, to require that copies of such permits be~~
29 ~~obtained and provided and maintained on file with the building~~
30 ~~permit application;~~

31 i. ~~To notify adjacent communities and the Florida Department of~~
32 ~~Community Affairs prior to any alteration or relocation of a~~
33 ~~watercourse, and to submit evidence of such notification to the~~
34 ~~Federal Emergency Management Agency;~~

35 j. ~~To ensure that maintenance is provided within the altered or~~
36 ~~relocated portion of a watercourse so that the flood-carrying~~
37 ~~capacity is not diminished;~~

38 k. ~~To verify and record the actual elevation (in relation to mean~~
39 ~~sea level) of the lowest floor (including basement) of all new or~~
40 ~~substantially improved structures;~~

41 l. ~~To verify and record the actual elevation (in relation to mean~~
42 ~~sea level) to which the new or substantially improved structures~~
43 ~~have been floodproofed;~~

44 m. ~~In coastal high hazard areas, to review certifications obtained~~
45 ~~from registered professional engineers or architects that the~~
46 ~~structure is securely anchored to adequately anchored pilings or~~

columns in order to withstand velocity waters and hurricane wave wash;

n. ~~To make interpretations, as needed, as to the exact location of boundaries of the areas of special flood hazard;~~

o. ~~When base flood elevation data has not been provided in accordance with chapter 122, to obtain, review and reasonably use any base flood elevation data available from a federal, state or other source in order to administer the floodplain management provisions of this chapter; and~~

p. ~~To provide the board of county commissioners and the planning commission with reports and recommendations with respect to matters before such bodies, as directed by the board of county commissioners, planning director, or the county administrator.~~

(f) ~~Division of capital improvements planning. The capital improvements planning coordinator shall be responsible for current and long range transportation and other capital improvements planning and shall be the county's designated liaison with the Florida Department of Transportation. The coordinator shall monitor the county's transportation system, prepare an annual report and capital improvements plan for the county and work with the department of public works and other county departments to implement the county's capital improvements plan.~~

(g) ~~Land use planning division. There shall be a land use planning coordinator who shall be responsible for the land use planning function of the department of planning, including preparation of updates of data and land use maps, annual reporting on land use trends and patterns and long range planning. The coordinator shall prepare an annual report on the county's comprehensive plan for the director of planning.~~

(h) ~~Environmental resources division. There shall be an environmental resources coordinator who shall be responsible for the environmental resources planning of the county and serve as the county biologist. In addition to the division's planning functions and the duties performed by the county biologist, the director of planning may delegate to the division responsibility for review of environmental aspects of development permitting and coordinating interagency (state and federal) permitting.~~

Sec. 6-55. Building department.

(a) *Organization and administration.* There is hereby established a department called the building department headed by the building official. Upon recommendation of the county administrator, the department shall be assigned to the division of county government that the board of county commissioners

determines appropriate. The county administrator with the approval of the board of county commissioners shall designate the building official.

(b) *Employee qualifications.* The building official shall be licensed as a building code administrator by the state. All appointed or hired inspectors and plan examiners shall meet the qualifications for licensing in the appropriate trade as established by the state.

(c) *Building official authority and duties.* The building official shall have authority to administer, interpret, and enforce provisions of the Florida Building Code, flood plain management regulations, and this chapter. Such authority, jurisdiction, and duties shall include the following:

(1) To process building permit applications and issue and revoke building permits;

(2) To inspect sites, buildings and structures as required by this chapter, the Florida Building Code and the Standard Unsafe Building Abatement Code;

(3) To issue and revoke certificates of occupancy;

(4) To maintain building permit, financial, and other public records related to the department's affairs;

(5) To establish such policies and procedures necessary for the administration of his responsibilities under the Florida Building Code and this chapter;

(6) To provide a recording secretary for the purpose of keeping the board of adjustment and appeals;

(7) To be the official source to render interpretations of this chapter and the Florida Building Code;

(8) To enforce provisions of the Florida Building Code and this chapter;

(9) To issue stop work orders; and

(10) To conduct all other such duties and responsibilities as are otherwise required by this chapter.

(11) To determine the extent of damage or destruction of nonconforming uses and structures, in cooperation with the director of planning;

(12) To review building permit applications for repair within areas of special flood hazard to determine that the proposed repair satisfies the requirements of the floodplain management provisions of the code;

(13) To review building permit applications for new construction or substantial improvement within areas of special flood hazard to ensure that the proposed construction (including prefabricated and mobile homes) satisfies the floodplain management requirements of the code;

(14) To advise permittees that additional federal or state permits may be required, and if specific federal or state permits are known to have been issued, to require that copies of such permits be obtained and provided and maintained on file with the building permit application;

(15) To notify adjacent communities and the Florida Department of Community Affairs prior to any alteration or relocation of a watercourse,

1 and to submit evidence of such notification to the Federal Emergency
2 Management Agency;
3 (16) To ensure that maintenance is provided within the altered or
4 relocated portion of a watercourse so that the flood-carrying capacity is
5 not diminished;
6 (17) To verify and record the actual elevation (in relation to mean sea
7 level) of the lowest floor (including basement) of all new or substantially
8 improved structures;
9 (18) To verify and record the actual elevation (in relation to mean sea
10 level) to which the new or substantially improved structures have been
11 floodproofed;
12 (19) In coastal high-hazard areas, to review certifications obtained from
13 registered professional engineers or architects that the structure is securely
14 anchored to adequately anchored pilings or columns in order to withstand
15 velocity waters and hurricane wave wash;
16 (20) To make interpretations, as needed, as to the exact location of
17 boundaries of the areas of special flood hazard;
18 (21) When base flood elevation data has not been provided in accordance
19 with chapter 122, to obtain, review and reasonably use any base flood
20 elevation data available from a federal, state or other source in order to
21 administer the floodplain management provisions of the code; and
22 (22) To provide the board of county commissioners and the planning
23 commission with reports and recommendations with respect to matters
24 before such bodies, as directed by the board of county commissioners,
25 growth management division director or planning director, or the county
26 administrator.

27
28 Staff has found that the proposed text amendments would be consistent with the provisions of
29 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those
30 on which the text or boundary was based; 2. Changed assumptions (e.g., regarding
31 demographic trends); 3. Data errors, including errors in mapping, vegetative types and
32 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for
33 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that
34 the proposed text amendments are necessary due to new issues and recognition of a need for
35 additional detail.

36 37 V RECOMMENDATION

38
39 Staff recommends that the Board of County Commissioners amend the Monroe
40 County Code as stated in the text of this staff report.